

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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COUNTRY CURTAINS MAIL ORDER, INC.,

Plaintiff,

-against-

J.C. PENNEY COMPANY, INC.,

Defendant.  
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07 Civ. 6290 (GEL)

**ORDER**

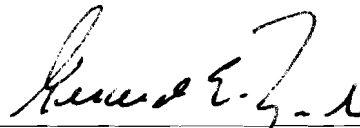
GERARD E. LYNCH, District Judge:

On August 16, 2007, the Court issued an order of discontinuance upon the parties' settlement of this action, with leave to reopen within 30 days. On September 17, 2007, upon plaintiff's application, the Court extended the time to finalize the terms of the settlement until October 17, 2007. On October 18, 2007, plaintiff again requested additional time to finalize the terms of the settlement, stating that although the matter is settled, the Settlement Agreement has not yet been fully executed.

Accordingly, it is hereby ORDERED that this action is dismissed without costs and without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made by October 31, 2007.

SO ORDERED.

Dated: New York, New York  
October 18, 2007



GERARD E. LYNCH  
United States District Judge